

In re Patent Application of:

**FLICK**

Serial No. **10/043,077**

Confirmation No. **6614**

Filed: **JANUARY 9, 2002**

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**REMARKS**

Applicant thanks the Examiner for the careful and thorough examination of the present application. Applicant has amended independent Claim 18 to more clearly define the claimed invention over the prior art. Applicant submits that all claims are patentable, and presents arguments and amendments herein supporting such patentability.

**I. The Claimed Invention**

Amended independent Claim 18, for example, is directed to a vehicle control system for a vehicle comprising a vehicle data communications bus extending throughout the vehicle, a vehicle alarm indicator connected thereto, and an instrument panel carrying the vehicle alarm indicator. The vehicle control system includes at least one uniquely coded transmitter to be carried by a user, a receiver at the vehicle for receiving signals from the at least one uniquely coded transmitter, and a controller at the vehicle spaced apart from the vehicle indicator. The controller is for communicating with the vehicle alarm indicator via the vehicle data communications bus and for cooperating with the receiver and the vehicle data communications bus for learning the at least one uniquely coded transmitter to permit control of a vehicle function by the user, communicating with the vehicle alarm indicator via the data communications bus to cause an indication of whether at least one new uniquely coded transmitter has been learned, and causing the vehicle alarm

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---

indicator to generate an indication of a number of learned uniquely coded transmitters.

Independent Claim 30 is also directed to a vehicle control system similar to that of Claim 18, but recites a biometric characteristic sensor for sensing a unique biometric characteristic of the user rather than the uniquely coded transmitter and the receiver. Independent Claim 57 is a method counterpart to Claim 30.

## **II. The Claims Are Patentable**

### **A. AMENDED INDEPENDENT CLAIM 18 IS PATENTABLE**

The Examiner rejected amended independent Claim 18 over Ogino et al. in view of Flick '571 and Flick '460. In an alternative argument, the Examiner also rejected amended independent Claim 18 similarly but also further in view of Allen et al. Referring to FIG. 3, Ogino et al. discloses a vehicle security system comprising a car security unit 10 including a controller 17, a bus input/output (i/o) module 16 coupled to the controller, and a transceiver 12 also coupled to the controller. The system further includes a wireless transmitter 11 cooperating with the transceiver, and a bus line 6a coupled to the bus i/o module. The wireless transmitter further includes a display screen 11a for displaying reference numbers for sensors experiencing error faults. As discussed in the Background of Invention section of this reference, this function of the system is to enable the user to easily and effectively ascertain which sensor is experiencing the error fault. (Col. 9, lines 6-12).

In re Patent Application of:

**FLICK**

Serial No. **10/043,077**

Confirmation No. **6614**

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---

In another embodiment, the wireless transmitter further includes a toggle switch 11b for controlling a plurality of security systems in different vehicles. In this embodiment, the display screen of the wireless transmitter displays the vehicle reference number of the corresponding vehicle selected via the toggle switch, thereby identifying the vehicle reference number associated with the switch position. (Col. 9, lines 33-42). Ogino et al. also discloses a vehicle head unit that includes a display screen. (Figure 1). Moreover, Ogino et al. discloses that the faulty sensor information may also be shown on the vehicle head unit display. (Col. 7, lines 40-53).

The Examiner correctly recognizes that Ogino et al. fails to disclose communicating with the vehicle alarm indicator via the data communications bus to cause an indication of whether at least one new uniquely coded transmitter has been learned, as recited in amended independent Claim 18. The Examiner looks to Flick '571 to supply this deficiency. Flick '571 discloses a building security system comprising indicators that can indicate the number of learned remote transmitters.

The Examiner correctly notes that both Ogino et al. and Flick '571 fail to disclose an instrument panel carrying the vehicle alarm indicator and causing an indication of a number of learned uniquely coded transmitters, as recited by amended independent Claim 18. The Examiner first looks to Flick '460 for this deficiency.

In re Patent Application of:

**FLICK**

Serial No. **10/043,077**

Confirmation No. **6614**

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---

Flick '460 discloses a vehicle security system including a plurality of vehicle devices throughout the vehicle, a controller, a remote transmitter in communication with the controller, and a vehicle data communications bus for communications between the controller and the vehicle devices. (Col. 4, line 51 : col. 5, line 31).

Applicant notes that Ogino et al., Flick '571, and Flick '460 each fail to disclose using the vehicle alarm indicator to cause an indication of a number of learned uniquely coded transmitters, as recited by amended independent Claim 18. In other words, Applicant submits that the first rejection of Ogino et al., Flick '571, and Flick '460 fails to disclose each and every feature of amended independent Claim 18.

In the alternative argument, the Examiner correctly acknowledges this deficiency of Ogino et al., Flick '571, and Flick '460 and looks now to Allen et al. Allen et al. discloses a vehicle security system including a dashboard mounted light emitting diode (LED) flashing a number of times corresponding to the number of coded remote transmitters. (Col. 2, lines 63-67).

Applicant submits that although: Ogino et al. discloses a vehicle head unit with display for sensor malfunction indication; Allen et al. discloses flashing a dashboard LED to indicate the number of learned remotes; Flick '571 discloses flashing a building alarm system indicator to indicate the number of learned remotes; and Flick '460 discloses communicating with a dashboard indicator via a data

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**FLICK**

Serial No. **10/043,077**

Confirmation No. **6614**

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---

communications bus, none of these references teaches the complete claimed recitation of: an instrument panel carrying the vehicle alarm indicator and communicating with the vehicle alarm indicator via said data communications bus to cause an indication of whether at least one new uniquely coded transmitter has been learned, and causing the vehicle alarm indicator to generate an indication of a number of learned uniquely coded transmitters, as recited by amended independent Claim 18.

Furthermore, Applicant submits that the person of ordinary skill in the art would be taught away from injecting the dashboard light indication feature of Allen et al. into the combination of Ogino et al., Flick '571, and Flick '460. More specifically, Allen et al. discloses hard-wired connections rather than the data communications bus of Flick '460. More so, the person of ordinary skill in the art would be taught away from combining the divergent wiring teachings. Indeed, although Ogino et al. discloses a bus interface, most of the alarm system components, for example, the transceiver and the sensors, are hard-wired into the controller. Additionally, the person of ordinary skill in the art would be taught away from combining yet another car alarm feature into the building alarm features of Flick '571.

Applicant respectfully submits that the 4-way combination of the applied prior art is an unjustified extension of the Board of Patent Appeals and Interferences' Decisions of March 11, 2008 and August 11, 2008, which affirmed a prior 2-way rejection of much earlier claims.

In re Patent Application of:

**FLICK**

Serial No. **10/043,077**

Confirmation No. **6614**

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---

Indeed, Applicant notes that 75% of the Examiner's 4-way combination of the prior art represents prior versions of Applicant's own claimed invention. Applicant submits that the Examiner is improperly piecing together bits and pieces of Applicant's own prior art in an attempt to provide the claimed invention using cursory rationale that does not meet the obviousness prima facie burden for motivation to combine.

Accordingly, it is submitted that amended independent Claim 18 is patentable over the prior art. Its respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

B. INDEPENDENT CLAIM 30 AND 57 ARE PATENTABLE

The Examiner rejected independent Claim 30 and 57 over Anzai et al. in view of Flick '460. In an alternative argument, the Examiner similarly rejected independent Claims 30 and 57 but further in view of Flick '571 and Allen et al. Anzai et al. discloses a biometric authorization system for a vehicle that includes an enrollment mode. (Col. 2, lines 39-47). The system is capable of providing tiered levels of access to different users. The Examiner correctly recognizes that Anzai et al. fails to disclose communicating with the at least one vehicle device via the data communications bus, as recited in independent Claim 30, for example. The Examiner looks to Flick '460 to supply this critical deficiency of Anzai et al.

In re Patent Application of:

**FLICK**

Serial No. **10/043,077**

Confirmation No. **6614**

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---

Flick '460 discloses a vehicle security system including a plurality of vehicle devices throughout the vehicle, a controller, a remote transmitter in communication with the controller, and a vehicle data communications bus for communications between the controller and the vehicle devices. (Col. 4, line 51 : col. 5, line 31). The Examiner contended that the person of ordinary skill in the art would combine Anzai et al. and Flick '460 to reduce: the amount of wiring, wiring problems, and complications that arise when troubleshooting an electrical problem.

Applicant submits that neither Anzai et al. nor Flick '460 discloses an instrument panel carrying the vehicle alarm indicator and communicating with the vehicle alarm indicator via the vehicle data communications bus to cause an indication of whether at least one new unique biometric characteristic has been learned, as recited by independent Claims 30 and 57. In other words, Applicant submits that the 2-way combination of Anzai et al. and Flick '460 fails to disclose each and every feature of independent Claims 30 and 57.

In the alternative argument, the Examiner correctly acknowledges that both Anzai et al. and Flick '460 fail to disclose an instrument panel carrying the vehicle alarm indicator and communicating with the vehicle alarm indicator via the vehicle data communications bus to cause an indication of whether at least one new unique biometric characteristic has been learned, as recited by independent Claims 30 and 57. The Examiner looks to Allen et al. for this deficiency.

In re Patent Application of:  
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Allen et al. discloses a vehicle security system including a dashboard mounted light emitting diode (LED) flashing a number of times corresponding to the number of coded remote transmitters. (Col. 2, lines 63-67).

Applicant submits, for substantially the same reasons set forth above in Section A above, that the Examiner's proposed 4-way combination of the prior art is improper. Indeed, Anzai et al. and Allen et al. disclose hard-wired connections for the controller versus the data communications bus of Flick '460. Further, Flick '571 relates to building security system features. Because of this, Applicant submits that independent Claims 30 and 57 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

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**CONCLUSIONS**

In view of the arguments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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